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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,624	11/19/2003	David E. Hauber	CIP/AD-3/ APPARATUS	4316

7590 12/27/2005
John F. McDevitt
2255 Par Lane #626
Willoughby Hills, OH 44094

EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,624

Applicant(s)

HAUBER, DAVID E.

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT WO 02/44067 in view of Medney.

At the outset, the applicant is advised that the filing date afforded applicant for the claimed subject matter herein is the filing date of this application (November 19, 2003). The reason for this is because the first application in which applicant has full support under 35 USC 112, first paragraph to make the presented claim was in this application. The earlier filed application did not describe the specified control means as now claimed and described herein. Note that PCT '067 was published on June 6, 2002 and therefore the publication is available under 35 USC 102(b) as being a printed publication which was printed more than a year prior to the filing date of this application. Applicant is referred to MPEP 201.11 for example.

PCT '067 teaches all of the components of the recited apparatus except the reference failed to make mention of the use of automated control to control the entire operation. More specifically applicant is referred to Figures 1 and 2 of the document and the associated disclosures related to the same. The reference failed to teach that one skilled in the art would have automatically controlled a winding operation.

Medney suggested in an operation for filament winding that it was known where the entire winding operation including the supplying of mandrels, the winding on the mandrels, the curing of the filament wound mandrels and the extraction of the product from the mandrels was controlled with a programmable controller. Applicant is more specifically referred to Figure 7 of Medney and column 5, lines 42-60 for example. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an automatic and programmed controller to control the filament winding operation of PCT '067 as such controllers would have provided an efficient manner for making the filament wound product whereby the final products were reproducible as such controlling of a filament winding operation was known per se as evidenced by Medney.

With respect to claims 2 and 3, the applicant is advised that it was conventional in the art to employ a computer in a programmed controller and such typically and conventionally included software therein. Such is taken as commonplace in the art of program controllers and it certainly would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the same in PCT '067 as Medney suggested such a controlled operation. Regarding claim 4, note that the reference to PCT '067 suggested the use of the specified reinforcements. Additionally regarding claim 5, note that the PCT reference suggested that one skilled in the art would have provided hoop windings 16 in the operation. Regarding claim 6, note that PCT '067 suggested the use of multiple wraps of fibers in the operation. Regarding claim 7, note that the apparatus is clearly capable of maintaining the internal pressure in the vessel

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until the complete cooling of the same. Additionally such is suggested by PCT '067.

Regarding claim 8, note that reference to PCT '067 clearly taught a device which included means for removing the liquid coolant and thus the claim is satisfied.

Regarding claim 9, note that the reference taught a drainage outlet for draining the liquid therein. Regarding claim 10, note that the reference to PCT '067 clearly suggested that the gas and liquid inlets were coupled to the end of the vessel when the vessel was rotated during the heating cycle (see Figure 2) and that rotary couples were well known in the art and taken as a conventional means to make such a connection.

Regarding claim 11, note that PCT '067 suggested a gas burner for heating the assembly. Regarding claim 12, while the references did not expressly state that the mandrel or liner was supported for rotation with a motorized variable speed drive mechanism, such drive mechanisms are taken as well known in the art of filament winding and it would have been obvious to utilize the same in order to be able to control the rate of rotation of the liner during the winding operation.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
December 22, 2005